

### Remarks

Claims 1-3, 5-7, 9 and 12-16 were pending in the present application prior to this response. Claims 1-3, 5-7, 9 and 12-14 were rejected. Claims 15 and 16 have been objected to. Claims 5, 12 and 16 have been amended herein. Claims 1-4, 6, 8-11, and 15 have been canceled. Reconsideration of all rejected claims is requested.

#### I. **Rejection of Claims 12 and 14 Under 35 U.S.C. §103(a)**

Claims 12 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Katoh (U.S. 5,796,430) in view of Kameshima (U.S. 6,271,880).

#### CLAIM 12

Claim 12 is independent and is restated as follows:

A method of operating a digital imaging device, said method comprising:

measuring a first dark current of at least one photo detector associated with said digital imaging device;

**measuring a second dark current when said at least one photo detector is at a preselected temperature;**

calculating the temperature of said at least one photo detector based on said first dark current and **said second dark current;** and

altering the performance of at least one device associated with said digital imaging device based on said temperature.

Claim 12 has been amended herein to include the elements of claim 15, which was objected to as being dependent on a rejected base claim. The bold text of claim 12 reflects the elements of claim 15 that have been incorporated into claim 12.

Therefore, claim 12 is now allowable and the applicants request reconsideration of the rejection.

#### CLAIM 14

Claim 14 is dependent on claim 12 and is deemed allowable by way of its dependence and for other reasons. Therefore, the applicants request reconsideration of the rejection.

#### II. Rejection of Claim 13 Under 35 U.S.C. §103(a)

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Katoh (U.S. 5,796,430) in view of Kameshima (U.S. 6,271,880) and further in view of Thomas (U.S. 6,525,769).

Claim 13 is dependent on allowable claim 12 and is deemed allowable by way of its dependence and for other reasons. Therefore, the applicants request reconsideration of the rejection.

#### III. Rejection of Claims 5, 7, and 9 Under 35 U.S.C. §103(a)

Claims 5, 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Katoh (U.S. 5,796,430) in view of Bendell (U.S. 4,587,563).

It is noted that claim 9 has been cancelled herein.

## CLAIM 5

Claim 5 is independent and is restated as follows:

A method for thermal control of a digital imaging system comprising:  
**measuring a first dark current of the photo detector at a known temperature;**  
measuring a second dark current of the photo detector; and  
calculating the temperature of the digital imaging system based on the first and second dark currents; and  
reducing the temperature of at least one component in the digital imaging system if the calculated temperature is greater than a preselected value.

Neither cited reference discloses "measuring a first dark current of the photo detector at a known temperature" as recited in claim 5. The applicants note that this element is similar to the element of claim 15 which was objected to as being dependent on a rejected base claim.

Therefore, the applicants contend that the rejection of claim 5 has been overcome. Reconsideration of the rejection is requested.

## CLAIM 7

Claim 7 is dependent on allowable claim 5 and is deemed allowable by way of its dependence and for other reasons. Therefore, the applicants request reconsideration of the rejection.

#### IV. Objections to Claim 16

Claim 16 was objected to as being dependent on a rejected base claim. As set forth above, the applicants have overcome the rejection of the base claim (claim 12). Accordingly, the applicants contend that the objection has been overcome. The applicants request reconsideration of the objection.

In view of the above, all of the pending claims are now believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,  
KLAAS, LAW, O'MEARA & MALKIN, P.C.

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By:



Robert W. Nelson  
Reg. No. 37,898  
1999 Broadway, Suite 2225  
Denver, CO 80202  
Tel: (303) 298-9888  
Fax: (303) 297-2266